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December 16, 2003

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201

Re: Triennial Review Order - 9 Month Proceeding - Switching; Docket No. 03-00491;  
Triennial Review Order - 9 Month Proceeding - Hot Cuts; Docket No. 03-00526

Dear Guy:

Enclosed are the responses and objections of KMC Telecom III, LLC to BellSouth's First Set of Interrogatories in the above-referenced dockets.

If you have any questions, please contact me.

Sincerely,



H. LaDon Baltimore  
Attorney for KMC Telecom III, LLC

LDB/dcg  
Enclosure

cc: TRA, Attn: Sharla Dillon, Dockets (2 copies - one for each docket)  
Interested Parties' Counsel of Record (1 copy)

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>IMPLEMENTATION OF THE FEDERAL</b>	)	
<b>COMMUNICATION'S TRIENNIAL</b>	)	<b>DOCKET NO. 03-00491</b>
<b>REVIEW ORDER - 9 MONTH</b>	)	
<b>PROCEEDING - SWITCHING</b>	)	

<b>IN RE:</b>	)	
	)	
<b>IMPLEMENTATION OF THE FEDERAL</b>	)	
<b>COMMUNICATION'S TRIENNIAL</b>	)	<b>DOCKET NO. 03-00526</b>
<b>REVIEW ORDER - 9 MONTH</b>	)	
<b>PROCEEDING- HOT CUTS</b>	)	

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**KMC TELECOM III, LLC'S RESPONSE TO  
BELLSOUTH TELECOMMUNICATIONS, INC'S  
FIRST SET OF INTERROGATORIES**

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**A. General Objections**

KMC makes the following General Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents, including the applicable definitions and general instructions therein ("BellSouth discovery"), which, as appropriate, are specifically identified and incorporated into the relevant responses below.

1. KMC objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all BellSouth discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.
2. KMC has interpreted the BellSouth discovery to apply to KMC's regulated intrastate operations in Tennessee and will limit its responses accordingly. To the extent that any BellSouth discovery is intended to apply to matters that take place outside the state of Tennessee and which are not related to Tennessee intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.
3. KMC objects to the BellSouth discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. KMC objects to the BellSouth discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by KMC in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the BellSouth discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the BellSouth discovery insofar as it seeks information or documents, or seek to impose obligations on KMC which exceed the requirements of the Tennessee Rules of Civil Procedure or Tennessee law.

7. KMC objects to providing information to the extent that such information is already in the public record before the TRA or which is already in the possession, custody, or control of BellSouth.

8. KMC objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to T.C.A. §65-3-109 and other relevant Tennessee statutes and regulations. To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available to counsel for BellSouth pursuant to the Protective Orders of December 10, 2003 and December 16, 2003 for Docket Numbers 03-00496 and 03-00526, respectively, and subject to any other general or specific objections contained herein.

10. KMC is a large corporation with employees located in many different locations in Tennessee and in other states. In the course of its business, KMC creates countless documents that are not subject to the TRA or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. KMC will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the BellSouth discovery purports to require more, KMC objects on the grounds that compliance would impose an undue burden or expense.

11. KMC objects to the BellSouth discovery that seeks to obtain "all," "each," or "every" document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that KMC may provide in response to the BellSouth discovery will be provided subject to, and without waiver or, this objection.

12. KMC objects to the BellSouth discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the BellSouth discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the limited period of time KMC has been afforded to respond to the BellSouth discovery, the development of KMC's positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. Except where otherwise stated in response to a specific BellSouth discovery request, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis, contrary to the BellSouth General Instruction.

15. Pursuant to the Procedural Order, the TRO and the Tennessee Rules of Civil Procedure, to the extent that BellSouth's Interrogatories request specific financial, business or proprietary information regarding KMC's economic business model, KMC objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon KMC's economic business model instead of the hypothetical business model contemplated by the TRO.

## **B. Specific Objections**

KMC makes the following Specific Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents, including the applicable definitions and general instructions therein ("BellSouth discovery"), which, as appropriate, are specifically identified and incorporated into the relevant responses below.

16. KMC objects to the definition of "voice-grade equivalent lines," and each and every interrogatory or request for production that includes such term, as this term is not used by KMC in the course of its business. Given KMC's business records, KMC will answer such discovery by providing information regarding KMC's network in terms of DS0 equivalents.

17. KMC objects to each and every interrogatory or request for production that seeks information regarding enterprise customers as such discovery is irrelevant for purposes of this docket and is not reasonably calculated to lead to the discovery of admissible evidence since the scope of this proceeding, as set forth by the FCC and the Commission, is limited to local circuit switching for mass market customers.

18. KMC objects to each and every interrogatory or request for production that seeks information regarding non-switched services (e.g., services that do not depend on local Class 5 switches) except for non-switched services (e.g., DSL) provided on loops that are also used to provide switched services), as such discovery is irrelevant for purposes of this docket and is not reasonably calculated to lead to the discovery of admissible evidence since the scope of this proceeding, as set forth by the FCC and the Commission, is limited to local circuit switching for mass market customers.

19. KMC objects to each and every interrogatory or request for production that seeks information regarding KMC's operations in ILEC service areas other than the BellSouth ILEC service area within the state of Tennessee as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

20. KMC objects to each and every interrogatory or request for production that seeks to obtain information regarding "former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of KMC" as such information is not within KMC's control, would be unduly burdensome to attempt to obtain and is likely irrelevant.

21. KMC objects to the definitions for "qualifying service" and "non-qualifying service," and each and every interrogatory or request for production that includes such terms, as

KMC does not use such terms in the ordinary course of business and answering in these terms would require KMC to provide a legal interpretation of the FCC's terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC stated in footnote 466 of the TRO Order (FCC 03-36, released August 21, 2003), "Our list is intended to identify general categories of services that would qualify as eligible services. It is not intended to be an exhaustive list or to identify services in a more particular manner." Thus, such discovery is vague.

22. KMC objects to the definitions for "hot cut," "batch hot cut," and "individual hot cut," and each and every interrogatory or request for production that includes such terms, as such definitions are vague in that it is not clear whether or to what extent BellSouth's practices are consistent with the FCC's use of such terms, however such terms may be defined by the FCC. Thus, such discovery is vague. KMC further objects to BellSouth's use of such terms as they apply to BellSouth's individual hot cut process as KMC is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

23. KMC objects to each and every interrogatory or request for production that seeks information regarding KMC's projections regarding future services, revenues, marketing strategies, equipment deployments, or other such future business plans as such requests are trade secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket. Moreover, KMC's future plans are irrelevant because the TRO concerns a hypothetical CLEC.

## **INTERROGATORIES**

**INTERROGATORY 1:** Identify each switch owned by KMC that KMC uses to provide a qualifying service anywhere in Tennessee, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch).

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 18, 19, and 21 as if set forth herein verbatim. With respect to KMC's Specific Objection 21, KMC further notes that KMC's response to this interrogatory is based on the definition of "qualifying" and "non-qualifying" service as defined in 47 C.F.R. § 51.5. Specifically, 47 C.F.R. § 51.5 defines a "qualifying service" as "a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent local exchange carriers ("ILECs"), including, but not limited to, local exchange service, such as plain old telephone service ("POTS"), and access services, such as digital subscriber line services and high capacity circuits." "Non-qualifying services" are defined as services that are "not qualifying service[s]." Id. Subject to the foregoing, and without waiving any objection, KMC will construe the terms contained in this interrogatory, and all other interrogatories, in accordance with 47 C.F.R. § 51.5 and applicable law. Further, since an alternative construction would make this question overbroad, KMC will construe all questions related to "qualifying services" as limited specifically to qualifying voice services. Subject to, and without waiving these objections, KMC states as follows: See Confidential Attachment A.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 2:** For each switch identified in response to Interrogatory No. 1, please:

- (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

**Response:** KMC adopts and incorporates its General Objections 8 and 9, and its Specific Objections 16, 19 and 21, as if set forth herein verbatim, as well as the further clarification with respect to Specific Objection 21 that KMC provided in response to Interrogatory 1. Subject to, and without waiving these objections, KMC states as follows: See Confidential Attachment A.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 3:** Identify any other switch not previously identified in Interrogatory No. 1 that KMC uses to provide a qualifying service anywhere in Tennessee, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch). In answering this Interrogatory, do not include ILEC switches used by KMC either on an unbundled or resale basis.

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim, as well as the further clarification with respect to Specific Objection 21 that KMC provided in response to Interrogatory 1. Subject to, and without waiving these objections, KMC states as follows: KMC does not utilize any other non-ILEC switches to provide qualifying local voice services.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 4:** For each switch identified in response to Interrogatory No. 3, please:

- (a) identify the person that owns the switch;

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

- (b) provide the Common Language Location Identifier ("CLLI") code of the switch;

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

- (c) provide the street address, including the city and state in which the switch is located;

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

(d) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

(e) describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

(f) identify all documents referring or relating to the rates, terms, and conditions of KMC's use of the switch; and

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

(g) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 5:** Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Tennessee utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response:** KMC adopts and incorporates its General Objections 9 and 11, and its Specific Objections 17, 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC does not collect, segregate, store, or otherwise track information in the manner requested. However, in an attempt to be responsive, KMC has provided certain information in its Confidential Attachment B.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 6:** For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area)

identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory 1.

**Response:** KMC adopts and incorporates its General Objections 1, 5, 8, 9 and 11, and its Specific Objections 16, 17, 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates by reference its response to Interrogatory No. 1 as if fully set forth. In addition, KMC does not track line and voice grade equivalent data or end user locations by ILEC wire center areas.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 7:** With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:** KMC adopts and incorporates its General Objections 1, 5, 8, 9 and 11, and its Specific Objections 16, 17, 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates by reference its response to Interrogatory No.1 and No. 6 as if fully set forth.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.



**INTERROGATORY 8:** Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Tennessee utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 9:** For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC did not identify any switches in response to Interrogatory No. 3.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 10:** With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 9, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;

- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:** KMC adopts and incorporates its General Objection 1, 5, 8, 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Please see response to the foregoing Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 11:** Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Tennessee using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**Response:** KMC adopts and incorporates its General Objections 7, 8, 9, and 11, and its Specific Objections 17, 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates by reference its response to Interrogatory No. 1 as if fully set forth. In an effort to be responsive, KMC has identified and will provide certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. KMC serves no customers using an ILEC's switch either on an unbundled or resale basis in Tennessee.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 12:** For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area using an ILEC's switch either on an unbundled or resale basis.

**Response:** KMC adopts and incorporates its General Objections 7, 9, and 11, and its Specific Objections 16, 17, 19 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Please see answer to the foregoing interrogatory. In an effort to be responsive, KMC has identified and will provide certain information that KMC believes is tailored to be responsive to the information requested based on the manner in which KMC collects the data. KMC serves no customers using an ILEC's switch either on an unbundled or resale basis in Tennessee..

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 13:** With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 12, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;

- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**Response:** KMC adopts and incorporates its General Objections 1, 5, 7, 8, 9, and 11, and its Specific Objections 15, 16, 18 and 20, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Please see answer to the foregoing interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 14:** Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states in the BellSouth region. If the answer to this Interrogatory is in the affirmative, for each switch that you use to offer or provide such switching capacity, please:

- (a) Provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) Identify all documents referring or relating to the rates, terms, and conditions of KMC's provision of switching capability.

**Response:** KMC adopts and incorporates its General Objections 1, 2, 5, 8, and 9, and its Specific Objections 19 and 21, as if set forth herein verbatim. KMC does not offer to provide, nor does

KMC provide, switching capacity on a common carrier basis to another local exchange carrier for its use in providing local voice qualifying services.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 15:** Identify every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service using: (1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioned switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

**Response:** KMC adopts and incorporates its General Objections 1, 2, 3, 5, 8, 9, 11, 13, and 15 and its Specific Objections 16, 17, 18, 19, 20, 21, and 22, as if set forth herein verbatim. With respect to KMC's objections, KMC further states that pursuant to the Triennial Review Order, to the extent that this interrogatory requests specific financial, business or proprietary information regarding KMC's economic business model, KMC objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon KMC's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order. The Triennial Review Order explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the most efficient business model for entry rather than to a particular carrier's business model. TRO at ¶326. As a result, discovery of KMC financial information or business plans will not lead to the discovery of admissible evidence in this proceeding.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 16:** Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

**Response:** KMC incorporates its objection to Interrogatory No.15 as if fully set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 17:** If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

**Response:** KMC incorporates its objection to Interrogatory No.15 as if fully set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 18:** Do you have switchings that are technically capable of providing, but are not presently being used to provide, a qualifying service in Tennessee? If the answer to this Interrogatory is in the affirmative, please:

- (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in Tennessee.

**Response:** KMC adopts and incorporates its General Objections 1, 2, 5, 8, 9, and 11, and its Specific Objections 19 and 21, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 19:** Identify each MSA in Tennessee where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:** KMC incorporates herein its response to Interrogatory Nos. 8 and 11.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 20:** If you offer a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:** See KMC's response to the foregoing interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 21:** Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

**Response:** KMC adopts and incorporates its General Objections 2, 5, 8, 9, 10, 11, 12, and 15 and its Specific Objections 17, 18, 19, 20, and 21 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 1. In an effort to be responsive to this request, KMC notes that it provides local voice qualifying services and other qualifying services under KMC's publicly available tariffs. The

rates, terms, and conditions under which services are offered can be found in KMC's tariffs on file with the TRA.

**Responsible KMC employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 22:** Identify each MSA in Tennessee where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:** KMC adopts and incorporates its General Objections 2, 5, 8, 11, and 12, and its Specific Objections 18, 20, and 22, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 23:** If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

**Response:** KMC adopts and incorporates its General Objections 2, 4, 5, 8, 11, 12, and 16 and its Specific Objections 18, 19, 20 and 21, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 24:** Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

**Response:** KMC adopts and incorporates its General Objections 2, 4, 5, 8, 11, 12, and 15 and its Specific Objections 17, 18, 19, 20 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its responses to Interrogatory No. 1, as if fully set forth herein.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 25:** Please state the total number of end users customers in the State of Tennessee to whom you only provide qualifying service.

**Response:** KMC adopts and incorporates its General Objections 4, 8, 5, 8, 9, 11, and 13, and its Specific Objections 17, 18, 20 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its responses to Interrogatory No. 1. Further, KMC responds that it does not maintain the information in the manner requested, and provides information in the manner reported to the Federal Communications Commission in KMC's Form 477 filing.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 26:** For those end user customers to whom you only provide qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, and 13, and its Specific Objections 16, 17, 18, and 20, as if set forth herein verbatim, and KMC further states that discovery of KMC financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. Subject to, and without waiving these objections, KMC states as follows: KMC is unable to provide the information as requested. KMC's systems have not been designed to identify those end user customers in the State of Tennessee to whom KMC only provides qualifying service.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 27:** For those end user customers to whom you only provide qualifying service in the State of Tennessee, please state the average number of lines that you provide each such end user customer.

**Response:** KMC adopts and incorporates its General Objections 4, 8, 9, 11, and 13, and its Specific Objections 17, 18, 19, 20 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates by reference its response to Interrogatory No. 1 and No. 26 as if fully set forth herein.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 28:** Please state the total number of end users customers in the State of Tennessee to whom you only provide non-qualifying service.

**Response:** KMC adopts and incorporates its General Objections 4, 8, 9, 11, and 13, and its Specific Objections 17, 18, 19, 20 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates by reference its response to Interrogatory No. 1 and No. 26 as if fully set forth herein.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 29:** For those end user customers to whom you only provide non-qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

**Response:** KMC adopts and incorporates its General Objections 4, 8, 9, 11, 13, and 15 and its Specific Objections 17, 18, 19, 20, and 21 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its responses to Interrogatory No. 15 as if fully set forth herein.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 30:** Please state the total number of end users customers in the State of Tennessee to whom you provide both qualifying and non-qualifying service.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 6, 8, 9, 11, and 13, and its Specific Objections 16, 17, 18, and 20, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 31:** For those end user customers to whom you provide qualifying and non-qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, 13, and 15 and its Specific Objections 17, 18, 19, 20, and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC incorporates its responses to Interrogatory No 15 as if fully stated.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 32:** For those end user customers to whom you provide qualifying and non-qualifying service in the State of Tennessee, please state the average number of lines that you provide each such end user customer.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, and 13, and its Specific Objections 17, 18, 19, 20 and 21, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 33:** Please provide a breakdown of the total number of end user customers served by KMC in Tennessee by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity the classification so that it can be determined what kinds of customers you have in each classification).

**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, 13, and 15 and its Specific Objections 17 and 19, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: See response to Interrogatory No. 25.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 34:** For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, 13, and 15 and its Specific Objections 17 and 19, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if fully stated.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 35:** For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.



**Response:** KMC adopts and incorporates its General Objections 4, 5, 8, 9, 11, 13, and 15 and its Specific Objections 16 and 18, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if fully stated.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 36:** For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market you have obtained. Please provide this information for each month from January 2000 to the present.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 7, 8, 9, 11, 13, and 15 and its Specific Objections 17, 19, and 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC relies on industry publications assessing "market shares." Accordingly, it is KMC's belief that BellSouth has possession, custody, or control of those same industry publications.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 37:** Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in Tennessee.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 7, 8, 9, 11, 13, and 15 and its Specific Objections 17, 19, and 23, as if set forth herein verbatim. KMC relies on industry publications assessing "market shares." Accordingly, it is KMC's belief that BellSouth has possession, custody, or control of those same industry publications.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 38:** Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in Tennessee.

**Response:** KMC adopts and incorporates its General Objections 4, 5, 7, 8, 9, 11, 13, and 15 and its Specific Objections 17, 19, and 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC relies on industry publications assessing "market shares." Accordingly, it is KMC's belief that BellSouth has possession, custody, or control of those same industry publications.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 39:** Describe how the marketing organization that is responsible for marketing qualifying service in Tennessee is organized, including the organization's structure, size in terms of full time or equivalent employees including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing efforts in Tennessee, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

**Response:** KMC adopts and incorporates its General Objections 1, 5, 8, 9, 10, 11, and 15 and its Specific Objection 17, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if fully stated.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 40:** How do you determine whether you will serve an individual customer's location with multiple DS0s or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this issue, and identify the factors that you would consider in making this type of a decision.

**Response:** KMC adopts and incorporates its General Objections 8, 9, and 15 and its Specific Objections 17 and 18, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: The determination as to whether to serve an individual customer's location with multiple DS0s or to use a DS1 or larger transmission system is typically driven by the services that the customer requests. In addition to the assessing the customer's needs, other network considerations must also be evaluated (for example, will the customer be on-net or "off-net"). Consideration must also be given to the cost of provisioning multiple DS0s versus the cost of provisioning a DS1. These costs include installation costs, monthly recurring costs, and for customers who request data connectivity with their dial tone, the costs of additional electronics required to deliver service. The cost relationship between DS0s and DS1s can vary significantly between markets, and within a market, given that costs may vary by rate zone. These differences must be analyzed on a case-by-case basis.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 41:** Is there a typical or average number of DS0s at which you would chose to serve a particular customer with a DS1 or larger transmission system, all other things being equal? If so, please provide that typical or average number and explain how this number was derived.

**Response:** KMC adopts and incorporates its General Objections 8, 9, and 15 and its Specific Objections 17, 19, and 23 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: There is no typical or average number of DS0s at which KMC would chose to serve a particular customer with a DS1 or larger transmission system. As stated in Interrogatory 40, the decision is based on a number of cost factors which can vary significantly. KMC does not have any empirical data on which to base an answer, but based on the collective knowledge of KMC's Sales and Product Management organizations, the number of DS0s can be as low as 5 in some cases and as high as 15 DS0s in other cases.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 42:** What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s, and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, or a digital PBX be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that

would be required to provide that functional equivalency (that is, the channel bank, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

**Response:** KMC adopts and incorporates its General Objections 5, 9, and 15 and its Specific Objections 17 and 19, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: See Confidential Attachment C.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 43:** What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objection 21, as if set forth herein verbatim, and KMC further states that KMC's "cost of capital" used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 44:** With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objection 21, as if set forth herein verbatim, and KMC further states that KMC's "cost of capital" used in evaluating whether to offer a qualifying service in a particular geographic market and the analysis in determining the cost of capital is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 45:** In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years or some other time horizon over which you evaluate the project?

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objections 17 and 21 as if set forth herein verbatim, and KMC further states that KMC's determination of whether to offer a "qualifying service in a particular geographic market" and the time periods involved in such evaluation are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 46:** Provide your definition of sales expense as that term is used in your business.

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objections 17 and 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC utilizes generally accepted accounting principles ("GAAP") to categorize sales expenses.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 47:** Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objections 17 and 21, as if set forth herein verbatim, and KMC further states that KMC's determination of whether to offer a "qualifying service in a particular geographic market" and the time periods involved in such evaluation are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its objections to Interrogatory No. 15 as if set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 48:** Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

**Response:** KMC adopts and incorporates its General Objections 5, 8, 9, and 15 and its Specific Objections 17 and 21, as if set forth herein verbatim.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 49:** Based on the definition of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market?

**Response:** KMC adopts and incorporates its General Objection 5, 8, 9, and 15 and its Specific Objections 17 and 21, as if set forth herein verbatim, and KMC further states that KMC's determination of whether to offer a "qualifying service in a particular geographic market" and the time periods involved in such evaluation are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, KMC states as follows: KMC incorporates its response to Interrogatory No. 15 as if set forth.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 50:** For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for KMC in each state in BellSouth's region.

**Response:** KMC adopts and incorporates its General Objections 7, 9, 11, and 13, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory No. 50. If BellSouth will provide such information and documentation to KMC, KMC will confirm or deny the information contained in BellSouth's records.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 51:** For each individual hot cut identified in response to Interrogatory No. 50, state:

- i. Whether the hot cut was coordinated or not;
- ii. If coordinated, whether the hot cut occurred as scheduled;
- iii. If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, KMC, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- iv. If there was a problem with the hot cut, state whether KMC complained in writing to BellSouth or anyone else.

**Response:** KMC adopts and incorporates its General Objections 7, 8, 9, 11, and 13, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Upon information and belief, BellSouth is in possession of documents and other information requested in Interrogatory No. 51. If BellSouth will provide such information and documentation, KMC reserves the right to confirm or deny the information contained in BellSouth's records.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 52:** Does KMC have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 21, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 53:** Does KMC have a preferred process for performing individual hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory. KMC's preferred process is AT&T's proposed "electronic loop provisioning" ("ELP") process. The ELP process allows the provisioning of loops used for local service to be operationally and competitively neutral, making it the local service counterpart of "equal access" in the long-distance market. In

the ELP process, consumers would be able to change their local carrier seamlessly, and no carrier would have an inordinate advantage in competing for a customer's business.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 54:** State whether KMC agrees that it jointly developed BellSouth's process for individual hot cuts with BellSouth as set forth in the parties' April 16, 2001 Memorandum of Understanding. If KMC does not agree, explain why and explain KMC's view of its involvement in the development of that process.

**Response:** BellSouth has withdrawn this Interrogatory.

**INTERROGATORY 55:** If KMC has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in KMC's process that differs from BellSouth's process.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: See response to Interrogatory No. 53.

**Responsible KMC Employee:** Objections provided by Counsel.

**INTERROGATORY 56:** If KMC has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in KMC's process that differs from BellSouth's process.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC requested a copy of BellSouth's bulk hot cut process. Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 57:** Does KMC have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC does not have a specific rate at this time, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 58:** Does KMC have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC does not have a specific rate at this time, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory. Without waiving rights to provide additional information subject to a more detailed analysis, KMC notes that the FCC suggests that such a rate should be based on TELRIC, TRO at ¶489.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 59:** What is the largest number of individual hot cuts that KMC has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

**Response:** KMC adopts and incorporates its General Objections 2, 7, 8, 9, and 10, and its Specific Objection 19 as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: The requested information is in the possession, custody and control of BellSouth. If BellSouth will provide such information and documentation to KMC, KMC will confirm or deny the information contained in BellSouth's records.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 60:** Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to KMC or that KMC believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

**Response:** KMC adopts and incorporates its General Objections 3, 8, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 61:** Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to KMC? If so, name the ILEC and provide the rate and the source of the rate.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 62:** Does any ILEC in the BellSouth region have an individual hot cut process that is acceptable to KMC or that KMC believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

**Response:** KMC adopts and incorporates its General Objections 3, 8, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, no ILEC in the BST region has a hot cut process that KMC finds to be efficient. However, discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 63:** Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to KMC? If so, name the ILEC and provide the rate and the source of the rate.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 64:** Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to KMC or that KMC believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

**Response:** KMC adopts and incorporates its General Objections 3, 8, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.



**INTERROGATORY 65:** Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to KMC? If so, name the ILEC and provide the rate and the source of the rate.

**Response:** KMC adopts and incorporates its General Objections 3, 8, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 66:** Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to KMC or that KMC believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: No, however discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 67:** Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to KMC? If so, name the ILEC and provide the rate and the source of the rate.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC supports, generally, the CompSouth and FCCA analyses and proposals. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 68:** Does KMC order coordinated or non-coordinated hot cuts?

**Response:** KMC adopts and incorporates its General Objections 2, 7, 8, 9, and 10, and its Specific Objection 19, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC orders both coordinated and non-coordinated hot cuts.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 69:** Does KMC use the CFA database?

**Response:** KMC adopts and incorporates its General Objection 9, and its Specific Objection 16, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC uses its own CFA database, it does not use BellSouth's CFA database. KMC does use BellSouth's CFA and PMAP to cross-reference circuits.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 70:** Identify every issue related to BellSouth's hot cut process raised by KMC at the Tennessee CLEC collaborative since October 2001.

**Response:** KMC adopts and incorporates its General Objection 7, and its Specific Objection 21, as if set forth herein verbatim. KMC was not aware of any Tennessee CLEC collaborative that have occurred since October 2001.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by John McLaughlin.

**INTERROGATORY 71:** What is the appropriate volume of loops that you contend the Tennessee Public Service Commission should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 72:** What is the appropriate process that you contend the TRA should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 73:** If KMC disagrees with BellSouth's individual hot cut process, identify every step that KMC contends is unnecessary and state with specificity why the step is unnecessary.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these

objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 74:** If KMC disagrees with BellSouth's bulk hot cut process, identify every step that KMC contends is unnecessary and state with specificity why the step is unnecessary.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 75:** Identify by date, author and recipient every written complaint KMC has made to BellSouth regarding BellSouth's hot cut process since October 2001.

**Response:** KMC adopts and incorporates its General Objections 2, 7, 8, 9, and 10, and its Specific Objection 19, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: KMC has not filed any formal complaints against BellSouth related to the Hot Cut Process. KMC did raise general concerns regarding BellSouth's performance on several provisioning related metrics, including the hot cut process, in KMC's Ex Parte presentation to the Federal Communications Commission in the context of BellSouth's § 271 Checklist Violations WORKERS' COMPENSATION Docket 02-307 on October 30, 2002. Specifically, KMC asserted the following:

**BellSouth Has Failed to Provide Access to Loops in Accordance with Checklist Item iv.**

- **BellSouth's Performance Data Reveals Extremely Poor Access and Service.**
- **BellSouth's access to loop facilities is clearly discriminatory, based on its own measures of percent of orders placed in jeopardy status:**
- 

<b><u>Percent of Orders Placed in Jeopardy Status</u></b> <b><u>Digital Loops DS-1 and Above</u></b> <b><u>August 2002</u></b> <b><u>(All CLEC Orders, Mechanized)</u></b>		
<b><u>State</u></b>	<b><u>BellSouth</u></b>	<b><u>CLECs</u></b>
Florida	10%	67%
Tennessee	29%	73%

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by John McLaughlin.

**INTERROGATORY 76:** How many unbundled loops does KMC contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 77:** What is the appropriate information that you contend the TRA should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 78:** What is the average completion interval metric for provision of high volumes of loops that you contend the TRA should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 79:** What are the rates that you contend the TRA should adopt in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, 12, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: In general, as indicated in the FCC Rule referenced above, rates must be set in accordance with the FCC UNE Pricing Rules. Discovery in this case is continuing in nature and any specific response to this interrogatory is premature. KMC has not

formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 80:** What are the appropriate product market(s) that you contend the TRA should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, and 14, and its Specific Objection 22, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 81:** What are the appropriate geographic market(s) that you contend the TRA should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, and 14, and its Specific Objection 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 82:** Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, and 14, and its Specific Objection 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 83:** Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, and 14, and its Specific Objection 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

**INTERROGATORY 84:** What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multiline end users at a single location that the TRA should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

**Response:** KMC adopts and incorporates its General Objections 3, 11, and 14, and its Specific Objection 23, as if set forth herein verbatim. Subject to, and without waiving these objections, KMC states as follows: Discovery in this case is continuing in nature and any response to this interrogatory is premature. KMC has not formulated a response to this interrogatory at this early stage in the proceeding. KMC specifically reserves the right to provide additional information relevant to the issue addressed in this Interrogatory.

**Responsible KMC Employee:** Objections provided by Counsel. Substantive response provided by Michael P. Duke.

### **REQUESTS FOR PRODUCTION**

**PRODUCTION REQUEST 1:** Produce all documents identified in response to BellSouth's First Set of Interrogatories.

**Response:** All documents identified in response to BellSouth's individual interrogatories are marked as such and appended to the interrogatories subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 2:** Produce every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service in the State of Tennessee.

**Response:** Documents responsive to this request have been identified and appended to the response to Interrogatory No. 15, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 3:** Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Tennessee to whom you only provide qualifying service.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 26, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 4:** Produce all documents referring or relating to the average number of access lines you provide to end user customers in Tennessee to whom you only provide qualifying service.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 27, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 5:** Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Tennessee to whom you only provide non-qualifying service.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 29, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 6:** Produce all documents referring or relating to the average monthly revenues you receive from end user customers in Tennessee to whom you provide both qualifying and non-qualifying service.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 31, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 7:** Produce all documents referring or relating to the average number of access lines you provide to end user customers in Tennessee to whom you provide both qualifying and non-qualifying service.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 32, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 8:** Provide all documents referring or relating to the classifications used by KMC to offer service to end user customers Tennessee (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers).

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 33, subject to the corresponding interrogatory objections; the

actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 9:** Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by KMC, as requested in BellSouth's First Set of Interrogatories, No. 34.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 34, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 10:** Produce all documents referring or relating to the typical churn for each class or type of end user customer served by KMC, as requested in BellSouth's First Set of Interrogatories, No. 35.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 35, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 11:** Produce all documents referring or relating to how KMC determines whether to serve an individual customer's location with multiple DS0s or with a DS1 or larger transmission system.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 40, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 12:** Produce all documents referring or relating to the typical or average number of DS0s at which KMC would choose to serve a particular customer with a DS1 or larger transmission system as opposed to multiple DS0, all other things being equal.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 40, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 13:** Produce all documents referring or relating to the cost of capital used by KMC in evaluating whether to offer a qualifying service in a particular geographic market.

**Response:** Subject to the objections provided in response to Interrogatory No. 43, there are no documents responsive to this request.

**PRODUCTION REQUEST 14:** Produce all documents referring or relating to the time period used by KMC in evaluating whether to offering a qualifying service in a particular geographic market (e.g., one year, five years, ten years or some other time horizon over which a project is evaluated)?



**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 45, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 15:** Produce all documents referring or relating to your estimates of sales expense when evaluating whether to offer a qualifying service in a particular geographic market.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 47, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 16:** Produce all documents referring or relating to your estimates of general and administrative (G&A) expenses when evaluating whether to offer a qualifying service in a particular geographic market.

**Response:** Any documents responsive to this request have been identified and appended to the response to Interrogatory No. 48, subject to the corresponding interrogatory objections; the actual production of confidential information is being made solely pursuant to the protective agreement between the parties and any nondisclosure order of the TRA.

**PRODUCTION REQUEST 17:** Produce all documents referring or relating to any complaints by KMC or its end user customers about individual hot cuts performed by BellSouth since January 1, 2000.

**Response:** Subject to the objections provided in response to Interrogatory No. 51, there are no documents responsive to this request.

**PRODUCTION REQUEST 18:** Produce all documents referring or relating to a batch hot cut process used by any ILEC in the BellSouth region that is acceptable to KMC or that KMC believes is superior to BellSouth's batch hot cut process.

**Response:** Subject to the objections provided in response to Interrogatory No. 60, there are no documents responsive to this request.

**PRODUCTION REQUEST 19:** Produce all documents referring or relating to an individual hot cut process used by any ILEC in the BellSouth region that is acceptable to KMC or that KMC believes is superior to BellSouth's individual hot cut process.

**Response:** Subject to the objections provided in response to Interrogatory No. 62, there are no documents responsive to this request.

**PRODUCTION REQUEST 20:** Produce all documents referring or relating to a batch hot cut process used by any ILEC outside the BellSouth region that is acceptable to KMC or that KMC believes is superior to BellSouth's batch hot cut process.

**Response:** Subject to the objections provided in response to Interrogatory No. 64, there are no documents responsive to this request.

**PRODUCTION REQUEST 21:** Produce all documents referring or relating to an individual hot cut process used by any ILEC outside the BellSouth region that is acceptable to KMC or that KMC believes is superior to BellSouth's individual hot cut process.

**Response:** Subject to the objections provided in response to Interrogatory No. 65, there are no documents responsive to this request.

Respectfully submitted,



H. LaDon Baltimore (BPR No. 3836)

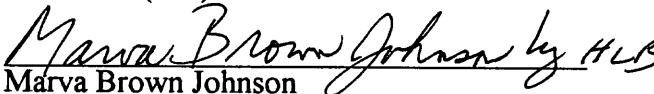
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**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, to the following, this 16<sup>th</sup> day of December, 2003.

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